

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

AMILCAR RAMOS #12b2390

plaintiff

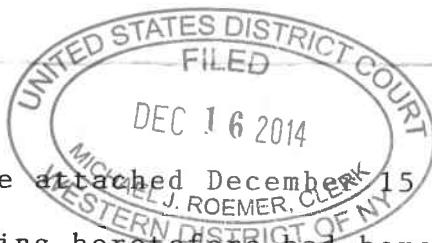
NOTICE OF MOTION FOR
LEAVE TO AMEND COMPLAINT

v.

09_CV_0453

CARL LUNDIN, MCCARTHY GIBSON

defendants.



Please take notice that upon the attached December 15, 2014 supporting affirmation and all proceeding heretofore had herein, Amilcar Ramos (plaintiff) will this United States District court, Western District of new york, 304 U.S. Courthouse, 68 court st. Buffalo, New York, on the court to set date and time to be heard for motion granting plaintiff permission to amend Complaint under Fed.R.Civ Rules 15(a),(c)(3), and 20. And for such other and further the court deems just or appropiate.

Dated: December 15, 2014
Wyoming, New York

RESPECTFULLY SUBMITTED,


Amilcar Ramos #12b2390
Attica correctional Facility
639 Exchange street
Attica, New York 14011

CC. UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK
U.S. COURTHOUSE
68 COURT STREET
BUFFALO, NEW YORK 14202

David Lee, #4798278
A.C.C
65 NIAGARA SQUARE
1104 CITY HALL
BUFFALO, NEW YORK 14202

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

AMILCAR RAMOS #12B2390

plaintiff,

v.

SUPPORTING AFFIRMATION
FOR NOTICE OF MOTION FOR
LEAVE TO AMEND COMPLAINT

09-CV-0453 (JJM)

CARL LUNDIN, MCCARTHY GIPSON,

Defendants,

AMILCAR RAMOS (plaintiff) declare under 28 U.S.C. 1746
perjury penalties that:

1. This affirmation is in support of plaintiff motion
requesting leave to amend complaint under Fed.R.Civ.P Rules (a),
(c) (3), and 20 specifically, plaintiff respectfully request leave
to: add as defendants, Frank F Clark, District Attorney, and amy
J. Goldstein, Assistance D.A. whom was employ with the Erie
county D.A. office at the time of their malicious prosecution
inflicted upon the plaintiff AMILCAR RAMOS, as amend with the
original pleadings thereof.

FACTS

2. Plaintiff resided at 340 Rhode st, Buffalo New York
August 30, 2007.

3. At approximately 9:05 pm, plaintiff was a passenger in
a grey Mercury Lesable (Vehicle) in route to Helene Arroyo residen
ce located at 10 Hertal st, Buffalo, New York. Ms Arroyo is
plaintiffs mother.

4. Approximately 9:30 pm, while Vehicle was transitioning
from Bush st onto Grote st, defendant Carl Lundin and John Doe
Buffalo City Police Officers approached with guns drawn. without

no justifiable cause, nor any provocation. The defendant Lundin maliciously discharged his weapon causing one bullet to enter Vehicle s back passenger window, striking the plaintiff Ramos in left side shoulder area. The inflicted bullet cause the plaintiff serious injuries of a gun shot bullet wound to his left shoulder causing extreme unbearable pain. The Defendant Lundins bullet is presently lodged within plaintiffs back chest cavity area. the defendant Lundin maliciously use of excessive deadly force is in violation of plaintiff Eighth and fourteenth amendment constitutional rights U.S.C.A. const. amend-8,14,

5. The Buffalo Police Department officers later arrested plaintiff on false charges 1 within sisters Hospital following admissions.

6. The trump up false arrest charges were orchestrated by the police officetry to cover up the unjustify, unlawful police shooting. The defendant Lundin, was employed by Buffalo City Police Department, acting under color of law.
See Complaint pp. 5-6

7. At no time during above described events was plaintiff armed with any weapon, nor any threat to the safety of himself or others. He had not committed any criminal offense.

8. The Buffalo Police Department Officers had no warrant nor any probable cause for arresting plaintiff nor any legal cause or excuse to seize the person of plaintiffs liberty. the D.A. Clark, and A.D.A. Goldstein, had no fundamental justification for the malicious prosecution of the false criminal charges, proceeding and trial proceeding thereof.

8. Plaintiff commenced this action via 42 U.S.C. 1983 WDNY Complaint form (Revised 03#06) dated April 2, 2009? subsequently filed May 12, 2009, under case number 09_CV_00453 (JJM) plaintiff completed WDNY Complaint form without legal knowledge or assistance. and still lack legal knowledge and assistance.

9. Defendants will not be prejudiced following complaints amendment.

10. Plaintiff will be effectively precluded from litigating this case in any meaningful sense without amending the Complaint.

11. No previous application for the relief requested herein has been made.

WHEREFORE, plaintiff respectfully requests an order permitting leave to amend the complaint to reflect the false arresting officers and the D.A. Clark and Goldstein the John doe defendants, complaints pleading to comply with Fed.R.Civ.P Rule 8 and 9 (as summarized above) and for such other and further relief court deems just or appropriate.

Dated: December 15, 2014

Wyoming, New York

Respectfully submitted.



AMILCAR RAMOS 12B2390
Attica Correctional Facility
639 Exchange street
Attica, New York 14011

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

AMILCAR RAMOS 12B2390

plaintiff

PROOF OF SERVICE

v.

09_CV_0453 (JJM)

CARL LUNDIN, MCCARTHY GIBSON

defendants,

AMILCAR RAMOS (plaintiff) declare under 28 U.S.C. 1746
perjury penalties that:

1. On below witnesses endorsement date petitioner served
anexed motion for Leave to amend Complaint:

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK
U.S. COURTHOUSE COURT CLERK
68 COURT STREET
BUFFALO, NEW YORK 14202

Daivd LEE, #4798278
A.C.C
1104 CITY HALL
BUFFALO, NEW YORK 14202

2. True and correct copies of above motion were placed
inside properly addresses, postage paid and sealed envelopess, th
en deposited within mailbox located at New York State Department
of corrections and Community Supervision, Attica Correctional
Facility, 639 Exchange street, Attica, New York to be served upon
above parties via Frist Class Mail.

Dated: December 15, 2014

respectfully submitted


Amilcar Ramos 12B2390
630 Exchange corr Fac

630 exchange